

REMARKS

Claims Status

Claims 16, 17, 41-43 and 46 are currently amended to recite a “genetically modified trait.” Written support for this language is in claim 1 of the originally filed application. Please note that the terminology from originally filed claim 1 was incorporated into the specification (page 3) by an amendment in the September 7, 2007 Response to non-final Office Action. Claim 46 is amended in part to ensure proper antecedent basis for this claim. Applicants respectfully request the entry of these amendments, as they do not introduce any new issues that would require further consideration and/or search of the claims.

Claims 1-15, 19-40 and 45 are cancelled. Of these, claim 45 is presently cancelled.

Applicants respectfully submit that the foregoing amendments do not introduce any new subject matter to the application. With the present amendments, there are eleven claims pending, namely claims 16-18, 41-44 and 46-49.

Summary of Interview with Examiner

An interview with the Examiner concerning the instant application was requested by Applicants’ representative, and took place telephonically on January 30, 2008. Applicants appreciate the time and consideration the Examiner afforded in discussing this case.

To summarize the substance of the interview, Applicants’ representative proposed new claim language for overcoming the pending 35 U.S.C. § 112 (first paragraph) enablement rejection (refer to below comments) and requested the Examiner’s comments regarding same. Specifically, Applicants’ representative proposed amending the claims to recite a “genetically modified trait” rather than a “proprietary trait.” After Applicants’ representative indicated written support for the proposed language in the application as originally filed, the Examiner determined that the claims would be rendered allowable if appropriately amended to incorporate

the proposed terminology. Therefore, Applicants respectfully request the entry of the above amendments, which serve to replace “proprietary trait” with “genetically modified trait.”

Claim Rejections – 35 USC § 112, first paragraph (Enablement)

Claims 16-18 and 41-49 remain rejected under 35 USC § 112, first paragraph, as not being enabled by the specification. Specifically, the Examiner alleges that the provision of soybean cultivars having proprietary traits would prevent the public from practicing the claimed method. Since the claim amendments filed in the December 21, 2007 Response for the instant application are denied entry as per the pending Advisory Action, this rejection remains standing.

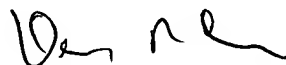
The claims are currently amended to replace the phrase “proprietary trait” with “genetically modified trait,” and to cancel claim 45. Written support for these amendments is discussed in the above remarks. In view of the above amendments and remarks, Applicants respectfully submit that this rejection is overcome.

* * *

In view of the foregoing amendments and remarks, Applicants respectfully submit that the pending claims are in condition for allowance. The Examiner is invited to contact the undersigned agent with any questions or comments relating to this application.

Applicants do not believe that a fee is due in relation to this response. However, the Commissioner is hereby authorized to charge any underpayment of fees to Howrey LLP Deposit Account No. 08-3038/11898.0021.NPUS01.

Respectfully submitted,



Dennis R. Chesire
Reg. No. 57,452
Agent for Assignee
MONSANTO TECHNOLOGY LLC

CUSTOMER NO. 45,607
HOWREY LLP
1111 Louisiana 25th Floor
Houston, Texas 77002
(713) 787-1400

Date: February 19, 2008